



Order Filed on July 11, 2023
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004

POLITAN LAW, LLC
88 East Main Street, #502
Mendham, New Jersey 07945
973.768.6072
Mark J. Politan
(mpolitan@politanlaw.com)
*Counsel for Ilissa Churgin Hook,
Chapter 7 Trustee*

In re:

ROBERT BRIAN FASH,

Debtor.

Case No. 22-15471 (CMG)

Honorable Christine M. Gravelle, U.S.B.J.

Chapter 7

Hearing Date and Time:
TBD

**ORDER AUTHORIZING SALE OF REAL PROPERTY
LOCATED AT 16 TILLER DRIVE, BARNEGAT, NEW
JERSEY, FREE AND CLEAR OF LIENS, CLAIMS AND
ENCUMBRANCES, AND GRANTING RELATED RELIEF**

The relief set forth on the following pages, numbered two (2) through three (3), is hereby
ORDERED.

DATED: July 11, 2023



Honorable Christine M. Gravelle
United States Bankruptcy Judge

Debtor: Robert Brian Fash
Case No. 22-15471 (CMG)
Caption of Order: Order Authorizing Sale of Real Property Located at 16 Tiller Drive, Barnegat, New Jersey, Free and Clear of Liens, Claims and Encumbrances and Granting Related Relief

THIS MATTER, having been presented to the Court by Ilissa Churgin Hook, the Chapter 7 Trustee (the “**Trustee**”) for Robert Brian Fash, Chapter 7 debtor (the “**Debtor**”), by and through her counsel, Politan Law, LLC, upon the filing of a Motion for an Order authorizing the sale of 16 Tiller Drive, Barnegat, New Jersey (the “**Property**”), and for related relief (the “**Motion**”); and due and proper notice of the Motion and related matters before the Court in this case having been given; and the Court having considered the moving papers and opposition thereto, if any; and oral argument, if any; and good and sufficient cause existing for the granting of the relief as set forth herein,

THE COURT MAKES THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW:

- A. Full and adequate notice of the Motion has been afforded to all interested parties.
- B. The offer made by Megan Foley (the “**Buyer**”) in the amount of Two Hundred Sixty Five Thousand Dollars (\$265,000), is the highest and best offer received for the Property and the sale price for the Property constitutes full and adequate consideration and reasonably equivalent value for the Property.
- C. The transaction being proposed by the Trustee was negotiated at arm’s length and in good faith.
- D. The Buyer is a good faith purchaser for value pursuant to Section 363(m) of the Bankruptcy Code and, as such, the sale of the Property is entitled to all of the protections afforded thereby. The Buyer is acting and shall act in good faith within the meaning of Section 363(m) of the Bankruptcy Code in closing the transaction(s) contemplated by in the Contract for Sale.

Page 3 of 4

Debtor: Robert Brian Fash
Case No. 22-15471 (CMG)
Caption of Order: Order Authorizing Sale of Real Property Located at 16 Tiller Drive, Barnegat, New Jersey,
Free and Clear of Liens, Claims and Encumbrances and Granting Related Relief

IT IS HEREBY ORDERED AS FOLLOWS:

1. The Motion is **GRANTED**.
2. The sale of the Trustee's right, title, and interest in the Property to Buyer pursuant to the terms and conditions set forth in the Contract for Sale and related Addendum is hereby approved. The record and transcript of the hearing and all findings and determinations of this Court are hereby incorporated herein.
3. The Trustee is hereby authorized to execute such necessary and appropriate documents in order to effectuate the aforesaid sale.
4. The Property is specifically being sold free and clear of any liens or encumbrances, with valid liens not satisfied at closing, if any, attaching to the proceeds of sale pursuant to 11 U.S.C. § 363(f).
5. In addition to payment of valid liens and other standard closing costs as disclosed in the Certification of Trustee in support of the Motion, the Trustee is specifically authorized to make payment to the Broker (as defined in the Certification of Trustee submitted herewith) at closing for the real estate commission as reflected in the Certification in support of the Motion.
6. The sale of the Property authorized herein is made by a Trustee in Bankruptcy, and is therefore exempt from any realty transfer tax under N.J.S.A. 46:15-5 et seq. and the Bulk Sales Act.
7. Debtor's ex-wife Allison Rainey holds no valid legal or equitable interest in the Property and must vacate the property within ten (10) days after the entry of the Order approving the motion.

Page 4 of 4

Debtor: Robert Brian Fash

Case No. 22-15471 (CMG)

Caption of Order: Order Authorizing Sale of Real Property Located at 16 Tiller Drive, Barnegat, New Jersey, Free and Clear of Liens, Claims and Encumbrances and Granting Related Relief

8. The Court retains jurisdiction over the parties and this matter for, *inter alia*, purposes of enforcing this Order and otherwise implementing the sale.

9. The stay provisions under Fed. R. Bankr. P. 6004(h) be and hereby are waived and, therefore, not applicable to this sale.